

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 1794 of 1997

Between:

- 1 D.Krishna Reddy, S/o Parvatha Reddy,
R/o Salkayapuram, Kurnool Mandal, Kurnool Dist.
- 2 D.Shankara Reddy, S/o Parvatha Reddy,
R/o Salkayapuram, Kurnool Mandal, Kurnool Dist.
- 3 D.Pulla Reddy, S/o Parvatha Reddy,
R/o Salkayapuram, Kurnool Mandal, Kurnool Dist.

..... PETITIONERS

AND

-

The Mandal Revenue Officer cum Land Acquisition
Officer, Kallur Mandal, Kurnool Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or Order more particularly one in the Nature of writ of Mandamus declaring the action of the respondent in not referring the petitioners case to the civil court under Sec.18 of Land Acquisition Act, even though the applications filed within the stipulated time, is illegal, improper, unjust and against the law, besides being violative of Art.14, 19, 310-A of the Constitution of India, and consequently direct the respondent herein to refer the matter to the civil court under Sec.18 of Land Acquisition Act.

Counsel for the Petitioner: MR.A.NARENDRA

Counsel for Respondent: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

The lands of the petitioner admeasuring Acs.1.36 in S.No.119 and Acs.3.70 in S.No.26/1A, situated at Salkapuram village, Kallur Mandal, Kurnool District, were acquired by the respondent vide award No.4/79-80 dated 31-3-1980 to provide house sites to weaker sections and the market value was fixed at Rs.5,500/- per

acre. Not satisfied with the market value, the petitioners made an application to the Land Acquisition Officer to refer the matter to the Civil Court under Section 18 of the Land Acquisition Act. As there is no information about the matter, the petitioner issued legal notice to the Land Acquisition Officer to refer the matter to the Civil Court. Accordingly, the Mandal Revenue Officer in his letter in Dis.No.359/95, dated 24-4-1995 informed the petitioners that a reference under Section 18 of the Land Acquisition Act was already sent to the Principal Subordinate Judge, Kurnool, in office Rc.No.A8-5710/79 dated 21-8-1980, which was dispatched on 9-12-1980 and the same is not pending in their office.

Mere dispatching the papers to the Civil Court, the Mandal Revenue Officer cannot wash of his hands. He has to see that necessary notices shall be issued to the claimants. After the Civil Court has numbered the reference and issued notices, if the claimants failed to appear, then the reference court can answer the reference. When once the reference court returned the file to the Land Acquisition Officer, it is his responsibility to resubmit the same and see that the reference is numbered. For the lapse committed by the Land Acquisition Officer, the claimants cannot be made to suffer.

In view of the same, the Land Acquisition Officer is hereby directed to substitute the reference and submit the same to the Civil Court within a period of six weeks from the date of receipt of this order and also see that the reference is numbered and necessary notices are issued. On such reference being made, the Civil Court shall entertain the same and pass appropriate orders. However, it is made clear that the petitioners are not entitled to claim interest on such enhanced compensation for which the present writ petition is filed. But they are entitled to interest for all subsequent periods from first February 1997 till the date of award passed by the Civil Court.

The Writ Petition is accordingly disposed of. No costs.

A. Gopal Reddy, J.

19th November, 2004.

Js.

To

1 The Mandal Revenue Officer cum Land Acquisition

Officer, Kallur Mandal, Kurnool Dist.

2 2 CCs to G.P. for Land Acquisition, High Court Buildings,

Hyderabad.

3 2 CD copies.